

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

GEMSTONE FOODS, LLC et al., )  
                                    )  
Plaintiffs,                     )  
                                    )  
v.                                 )     **Case No.: 5:15-cv-02207-MHH**  
                                    )  
                                    )  
AAA FOODS ENTERPRISES, INC. )  
et al.,                         )  
                                    )  
Defendants.                     )  
                                    )

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

MICHAEL ENSLEY et al.,       )  
                                    )  
Plaintiffs,                     )  
                                    )  
                                    )  
                                    )  
                                    )  
v.                                 )     **Case No.: 5:15-cv-01179-MHH**  
                                    )  
                                    )  
BEN O. TURNAGE et al.,        )  
                                    )  
Defendants.                     )  
                                    )  
                                    )

**ORDER**

The parties in *Gemstone Foods, LLC et al. v. AAA Foods, Inc. et al.*, No. 5:15-cv-02207-MHH, and *Michael Ensley et al. v. Ben O. Turnage et al.*, No. 5:15-cv-01179-

HGD, a case pending before Magistrate Judge Harwell Davis, have filed a joint motion to consolidate the above lawsuits for purposes of discovery, pretrial proceedings, and trial. (See Doc. 37 in Case No. 5:15-cv-02207-MHH; Doc. 33 in Case No. 5:15-cv-01179-HGD). Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a)(1)-(3). The Court finds that these actions involve sufficient common questions of law and fact.

Therefore, with Judge Davis’s consent and pursuant to Rule 42, the Court **CONSOLIDATES** these matters for purposes of discovery, pretrial proceedings, and trial. *Gemstone Foods, LLC et al. v. AAA Foods, Inc. et al.*, No. 5:15-cv-02207-MHH, shall be the lead case. Going forward, the Court **DIRECTS** the parties to please file all documents under case number 5:15-cv-02207-MHH and to use the style that appears in this order.

**DONE** and **ORDERED** this November 3, 2016.

  
**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE